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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/822,255	04/10/2004	David Todd Nay	SJO920030070US1	1765
45216	7590	10/12/2006		
KUNZLER & ASSOCIATES 8 EAST BROADWAY SUITE 600 SALT LAKE CITY, UT 84111			EXAMINER GABLER, PHILIP FRANCIS	
			ART UNIT 3637	PAPER NUMBER

DATE MAILED: 10/12/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/822,255

Applicant(s)

NAY ET AL.

Examiner

Philip Gabler

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _____ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 September 2006.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1, 6-8, 14 and 22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 6-8, 14 and 22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10 April 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Drawings

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the springs of claims 1, 8, and 14 must be shown or the feature canceled from the claims. No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 6-8, 14, and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Moore et al. (US Patent Number 6201690) in view of Gill et al. (US Patent Number 5388032), Krivec (US Patent Number 5549374), and Ku et al. (US Patent Number 6266236). Moore (Figures 2 and 9-13) discloses a computer terminal bracket (23) rack mounted in a computer cabinet (13), said bracket being adjustably movable outward from the cabinet, wherein said bracket is configured to fold into a single horizontal plane, said bracket comprising: a first frame (35) horizontally movable with respect to the cabinet, whereby a distal edge of the first frame of the bracket is extendable outwardly from the computer cabinet; and a second frame (43) composed of two longitudinal frames (viewed as the longitudinal side members of 43) horizontally separated by two lateral frames (the upper and lower portions of 43 joining the longitudinal frames), the longitudinal frames and lateral frames forming a rectangle, wherein each longitudinal frame's longitudinal dimension is much greater than the longitudinal frame's latitudinal dimension, pivotally joined to the first frame at the distal edge (viewed as A in Exhibit 1) of the first frame, and including springs (see column 4 line 43) viewed as capable of restraining rotation; and a single terminal unit (41, 77, and associated components attached to 43) pivotally mounted to the second frame and

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comprising a keyboard holder (41) pivotally mounted to the second frame at a distal edge thereof (C), wherein the height of said keyboard holder is adjustable in a vertical direction; a keyboard (83) coupled to said keyboard holder; a display holder (77) pivotally mounted to the second frame at the distal edge thereof capable of allowing for angular adjustment of the keyboard holder and display holder, wherein an angle of said display holder is adjustable with respect to the cabinet and the keyboard holder, and a display (79) coupled to said display holder. Moore does not disclose friction hinges, specifics of his springs or specifics of his slides. However, it would have been obvious to one of ordinary skill in the art at the time the invention was made to include multiple springs associated with either end of the second frame to assure easy and proper adjustment of the terminal unit, etc. as it has been held that duplication of parts for multiple effect requires only routine skill in the art. Further, it is well known in the art to use a wheel/rail arrangement as well as lubricious materials in slide construction. This is evidenced by Gill, who (Figure 4) discloses a wheel/rail arrangement and Krivec, who (column 3 lines 51-55) discloses the use of the lubricious material polytetrafluoroethylene (which is well known to be capable of a coefficient of friction of less than 0.11) for rails. Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate a wheel/rail arrangement as well as a lubricious material in the construction of Moore's slides as taught by Gill and Krivec because of the smooth and easy sliding action such an arrangement would provide. Further, the use of friction hinges (including the use of springs) is well known as shown by Ku, who (Figures 1, 3, 15, and 23) discloses the use of friction hinges (72,

74) including friction brakes (76, etc.) capable of restraining rotation in a computer system. Ku also discloses the use of springs (214, etc.) to restrain rotation.

Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use friction hinges in Moore's design as taught by Ku because of the smooth and simple operation such a hinge could provide.

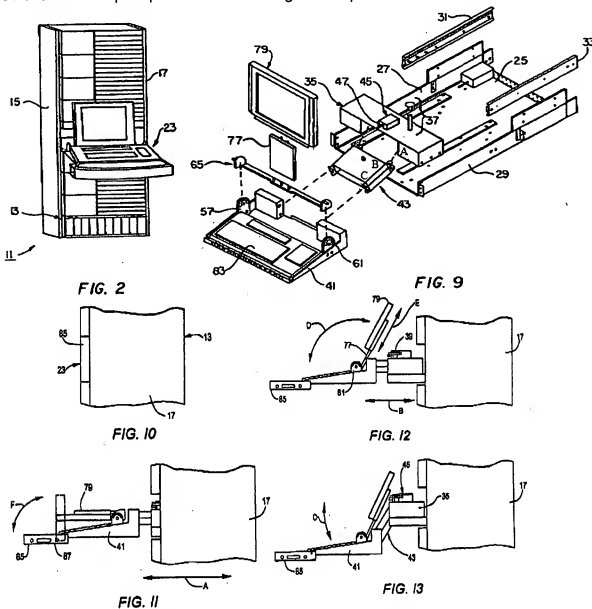


Exhibit 1: Moore '690 Figures 2 and 9-13

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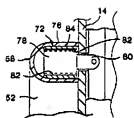
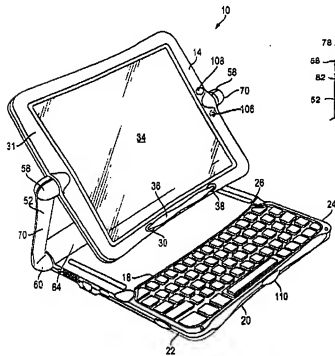


Figure 15

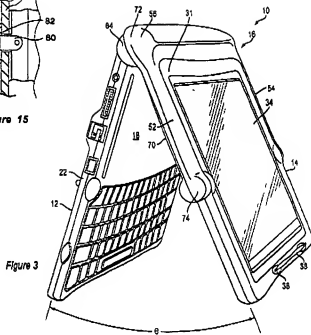


Figure 3

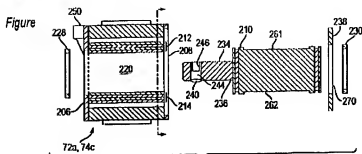
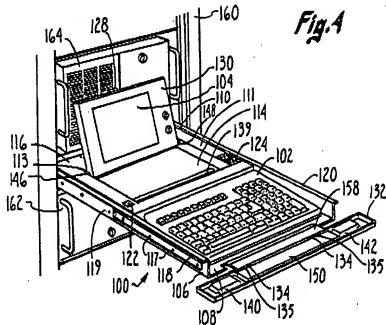


Figure 23

Ku et al. '236 Figures 1, 3, 15, and 23



Gill et al. '032 Figure 4

Response to Arguments

4. Applicant's arguments, see remarks, filed 20 September 2006, with respect to the 35 USC 112 rejection of claim 14 have been fully considered and are persuasive. The 35 USC 112 rejection of claim 14 has been withdrawn.

5. The remainder of Applicant's arguments filed 20 September 2006 have been fully considered but they are not persuasive. The combination of Moore, Gill, Krivec, and Ku is maintained in the above rejections and is viewed as valid. The suggestion to combine the references does not come from the present invention as Applicant asserts. Rather, the various references are related in the problems they are concerned with (e.g. Krivec deals with sliding drawer type articles, a problem in common with Moore, while Ku deals with adjustment and pivoting of computer components, another of Moore's

concerns). Further, even if the motivation to combine is not viewed as being readily supplied by the references, it is knowledge generally available to one of ordinary skill in the art (improving the performance of slides and hinges would be a goal of one of ordinary skill in the art). Applicant further suggests that the Krivec and Gill references in particular should not be combined. Krivec however, is merely cited as evidence that a particular low-friction material is known and used in slide assemblies. Finally, it is noted that Moore and Ku disclose the new claim limitations introduced in the amendment as explained in the above rejections.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Philip Gabler whose telephone number is (571) 272-6038. The examiner can normally be reached on Monday through Friday, 8:30 AM to 5:00 PM.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lanna Mai can be reached on (571) 272-6867. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

PFG 

10/5/2006



JAMES O. HANSEN
PRIMARY EXAMINER